

Docket No.: 121278.101

Customer No. 27160

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

HICKMAN

Application Serial No. 09/575,377

Filed: May 22, 2000

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:
: Group Art Unit: 1631
:
: Examiner: M. Allen

For: HIGH THROUGHPUT FUNCTIONAL GENOMICS

TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Submitted herewith are the following documents for filing in the above-referenced application:

1. Response to Restriction Requirement; and
2. Return postcard.

Please charge any shortage in fees due in connection with the filing of this communication, or credit any overpayment to Deposit Account No. 50-1710.

Respectfully submitted,

James A. Drumoda

for Corinne M. Pouliquen
Registration No. 35,753

Registration No.
44,727

Patent Administrator
KATTEN MUCHIN ZAVIS
525 West Monroe Street, Suite 1600
Chicago, IL 60661-3963
Fax: (312) 906-1021

Date: _____

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office action mailed February 26, 2002, Applicant respectfully submits the following remarks.

REMARKS

Restriction Requirement

Responsive to the requirement for restriction, Applicants provisionally elect Group I, claims 1-27, with traverse. As the Examiner is aware, a restriction requirement is proper when the claimed inventions are independent or distinct and when there is a serious burden on the Examiner to search the subject matter covered by the instant claims. The search required to examine claims 28-37 and 46-49 in Group II and claims 37-45 in Group III appear to Applicant to be an acceptable and reasonable extension of any search required for Group I. It is respectfully submitted that any additional search in and of itself is not an excuse to impose a restriction requirement.



Handwritten notes and stamps on the right side of the page, including "HICKMAN", "Plunkett", "4/9/02", "RECEIVED", "APR 08 2002", and "TECH CENTER - 000000".

AUTHORIZATION

No fees are believed to be necessary. However, the Commissioner is hereby authorized to charge any fees which may be required for this Response, or credit any overpayment to Deposit Account No. 50-1710.

In the event that an Extension of Time is required, or which may be required in addition to that requested in a petition for an Extension of Time, the Commissioner is requested to grant a petition for that Extension of Time which is required to make this response timely and is hereby authorized to charge any fee for such an Extension of Time or credit any overpayment for an Extension of Time to Deposit Account No. 50-1710.

Applicants' undersigned attorney may be reached in our Washington D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

James A. Fionada

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44,727

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Registration No. 35,753

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DC:4125781v1